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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,860	02/22/2002	Steven Hoehn	D-4502	9764

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EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,860

Applicant(s)

HOEHN, STEVEN

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,275,534 to Porter in view of U.S. Patent No. 6,244,010 B1 to Sluiter.

Regarding claims 1 and 14, Porter discloses a building structure having a non-load bearing vertical member (fig. 1: 18) supporting a plurality of beams in a radial manner which extend below the member and are supported upon posts (fig. 1: 11). However, Porter discloses beams, not trusses. Sluiter discloses a building structure comprised of trusses for supporting a roof (fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Porter by using the trusses, disclosed by Sluiter, as a substitute for beams in order to increase the load bearing strength of the roof.

Regarding claim 2, Porter in view of Sluiter disclose the trusses as spaced evenly (fig. 1).

Regarding claim 3, Sluiter discloses the trusses as being comprised of an upper beam, a lower beam, vertically spaced apart spacer members (fig. 1), and diagonal reinforcing members (fig. 1: 30) located between the lower and upper beams at an intersection of the beams and spacers.

Regarding claim 4, Porter discloses the use of hollow box tubing (fig. 6).

Regarding claim 5, Porter discloses the weight bearing members as posts (fig. 1: 11).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,275,534 to Porter in view of U.S. Patent No. 6,244,010 B1 to Sluiter further in view of U.S. Patent No. 4,173,855 to Raptoplous.

Regarding claim 6, Porter in view of Sluiter discloses a plurality of posts for supporting the beams. However, Porter in view of Sluiter does not disclose load bearing posts equal to the truss members. Raptoplous discloses load bearing posts equal to roof beams (fig. 7: 20 & 150). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Porter in view of Sluiter by using one post under each truss, as disclosed by Raptoplous, in order to place the load directly on a support post, thereby reducing the number of support posts needed to secure the roof.

Regarding claims 7 and 10, Porter discloses cross braces adjoining adjacent beams (fig. 1).

Regarding claim 8, Sluiter discloses the upper and lower beams of the trusses as being placed at different angles.

Regarding claims 9 and 11, Sluiter discloses the lower beams of the trusses as joined by cross braces (fig. 1: 26).

Regarding claim 15, Porter discloses the use of hollow box tubing for structural beams and cross braces (fig. 1). It would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify Porter in view of Sluiter by constructing the entire assembly from the same hollow box tubing disclosed by Porter in order to keep components consistent and reduce costs while increasing the rigidity of the structure.

Regarding claim 16, Porter in view of Sluiter discloses the basic claim structure of the instant application but does not disclose specific dimensions. It would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 17, Sluiter discloses angle irons for bracing the lower truss beam (fig. 4).

Regarding claim 18, Porter discloses wood cross braces for joining the support beams (fig. 10: 128).

Regarding claim 19, Sluiter discloses overhanging steel plates (fig. 4: 24) and fasteners (fig. 4: 58) on the lower truss beams for securing the cross brace.

Regarding claim 20, Porter discloses saddle hangers for supporting the wood cross braces (fig. 10: 127).

Regarding claim 21, Porter discloses the roof support beam as being at an angle from horizontal.

Claim Objections

Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 12, the prior art of record does not disclose a building structure having a non-load bearing central member connected to radially spaced trusses which extend below the member and have their ends placed upon a support beam, and the truss is comprised of vertical and diagonal braces and the outer end of an upper truss beam is connected to an angular intersection between two adjoining mounting plates and a series of elongated wood board trim members connected to the mounting plates.

Regarding claim 13, the prior art of record does not disclose a building structure having a non-load bearing central member connected to radially spaced trusses which extend below the member and have their ends placed upon a support beam, and the truss is comprised of vertical and diagonal braces and the outermost vertical truss brace extends vertically below the lower truss beam and is attached to the support beam.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to hexagonal buildings in general.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK 

7/17/03



Carl D. Friedman
Supervisory Patent Examiner
Group 3600